

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ARTHUR ALBAN, individually and on
behalf of others similarly situated,

Plaintiff,

Civ. No. 09-5398 (DRD)

v.

ORDER

BMW OF NORTH AMERICA, LLC,

Defendant.

This matter having come before the Court on a motion submitted by Defendant BMW of North America, LLC (“BMW”) to dismiss the claims asserted against it by Plaintiff, Arthur Alban, pursuant to Federal Rule of Civil Procedure 12(b)(6); and the Court having considered the submissions and oral arguments of the parties; and for the reasons set forth in the Opinion of even date;

IT IS on this 8th of September, 2010, hereby ORDERED as follows:

- (1) BMW’s Motion to Dismiss is GRANTED;
- (2) Plaintiff’s unjust enrichment claim is DISMISSED with prejudice;
- (3) Plaintiff’s other claims are DISMISSED without prejudice. Plaintiff may submit an Amended Complaint curing, if he is able to do so, the defects in those claims within 30 days of the date of this Order.

s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE, U.S.S.D.J.